

Application Number: 10/511931

Response to the Notice of Non-Responsive Amendment dated September 22, 2008

REMARKS

Applicants request reconsideration of this application in view of the above amendments and the following remarks. Claims 1-62 are cancelled without prejudice or disclaimer and claims 63-68 are newly added. Claims 63-68 are pending.

Non-responsive amendment

Applicants filed a Request for Continued Examination with an amendment as the supplemental material required under 37 CFR §1.114 on July 8, 2008. The supplemental amendment was considered nonresponsive because the new claims were allegedly directed to a non-elected species. Applicants now cancel the claims submitted and file this responsive amendment with new claims 63-68 directed towards Embodiment 1 shown in Figures 4A, etc., an elected species. In submitting the new claims, Applicants have not added new matter. Support in the originally filed specification is given on page 16, line 14 through page 27, line 19 and for example at page 25, lines 26-30.

Claims 63-68 are not anticipated by Masui '079 because Masui '079 does not disclose or suggest that the number of elements to be corrected is determined or differentiated according to a recording density of the optical information recording medium, as required by independent claims 63 and 65. Masui '079 corrects a pulse width, output timing, and the power and length that the power of a recording pulse is applied; all of which are corrected according to a recording data pattern of the optical information recording medium. See [0037] and [0038] of Masui '079. The recording data pattern of Masui '079 that sets the correction of the pulse width and the output timing of the targeted recording pulse is the pulse length of the targeted recording pulse that is to be written, the blank length immediately before this recording pulse, and the length of a recording pulse immediately before that recording pulse. Thus, the recording data pattern of Masui '079 is not the same as nor does it suggest that the number of elements to be corrected is based on the recording density of the optical information recording medium, as required by Applicants' claims 63 and 65.

Application Number: 10/511931

Response to the Notice of Non-Responsive Amendment dated September 22, 2008

Nor can new claims 63-68 be anticipated or obvious in view of Seo '759 because Seo '759 also does not teach or suggest that the number of elements to be corrected is determined or differentiated according to a recording density of the optical information recording medium, as required by claims 63 and 65. Seo '759 corrects the power levels of the overwrite pulses, *see* column 14, line 51 through column 15, line 9, according to the adaptive recording mode. The adaptive recording mode is further described at column 15, lines 11-15 as updating the light output control data for the power setting values as the output characteristics of a laser diode change. Thus, Seo '759 does not correct a recording pulse position or a recording pulse edge position and certainly corrects neither according to a recording density of the optical information recording medium, as required by claims 63 and 65.

Moritsugu '505 also does not correct the shortcomings of Masui '079 and of Seo '759. Because none of the references teach or suggest that the number of elements to be corrected in a recording pulse correction step is determined or differentiated according to a recording density of the optical information recording medium, their combination cannot do so.

Claims 64 and 66-68 are allowable at least by virtue of their dependence upon claims 63 and 65. Applicants believe that the pending claims are in condition for allowance and favorable consideration in the form of a Notice of Allowance is respectfully requested. If there are any remaining issues that could be easily resolved by telephone, the Examiner is invited to contact the Applicants' representative listed below.



Dated: October 22, 2008

Respectfully submitted,

HAMRE, SCHUMANN, MUELLER &
LARSON, P.C.
P.O. Box 2902
Minneapolis, MN 55402-0902
(612) 455-3800

By: 

Douglas P. Mueller
Reg. No. 30,300
DPM/KO/ad